

ESTTA Tracking number: **ESTTA361289**

Filing date: **08/03/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |  |
|------------------------|--|
| Proceeding             | 91189629   |
| Party                  | Defendant<br>Multi Media Exposure, Inc.  |
| Correspondence Address | ROBERT RASKOPF<br>QUINN EMANUEL URQUHART & SULLIVAN, LLP<br>51 MADISON AVENUE, 22ND FLOOR<br>NEW YORK, NY 10010-1601<br>UNITED STATES<br>robertraskopf@quinnemanuel.com, claudiabogdanos@quinnemanuel.com,<br>trademark@quinnemanuel.com |
| Submission             | Other Motions/Papers   |
| Filer's Name           | Jolie Apicella   |
| Filer's e-mail         | jolieapicella@quinnemanuel.com, michaellevick@quinnemanuel.com   |
| Signature              | /Jolie Apicella/   |
| Date                   | 08/03/2010   |
| Attachments            | Borghese Letter - August 3.pdf ( 26 pages )(1042441 bytes )  |

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August 3, 2010

**VIA ESTTA FILING AND FIRST CLASS U.S. MAIL**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451 Alexandria, VA 22313-1451

Re: **Borghese Trademarks, Inc. v. Multi Media Exposure, Inc.,  
USPTO Opposition No. 91189629**

Dear Board:

In connection with the above-referenced proceeding, on July 29, 2010, Applicant Multi Media Exposure ("MME") served Opposer Borghese Trademarks, Inc. ("BTI") with Amended Responses to those of BTI's discovery requests that were outstanding as of this Board's summary judgment rulings ("Amended Responses"). Enclosed is a copy of the cover letter to BTI's counsel and the Amended Responses, which correct the clerical misnumbering errors in MME's discovery responses served on BTI on July 16, 2010.<sup>1</sup> MME believes that the Amended Responses thus resolve the misnumbering issue raised in Opposer's Reply in Support of its Motion to Compel, filed on July 22, 2010.

Sincerely,

  
Jolie Apicella

<sup>1</sup> The misnumbering resulted from an automatic-numbering feature embedded in the documents and from the fact that certain discovery requests were "skipped," as MME had already responded to them in January, 2010.

**quinn emanuel urquhart & sullivan, llp**

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Encl.

cc: Moira Selinka (via email)  
Claudia Bogdanos

**CERTIFICATE OF SERVICE**

I, Jolie Apicella, hereby certify that on August 3, 2010, Applicant's letter to the Trademark Trial and Appeal Board was served by e-mail upon the following counsel of record:

Moira J. Selinka, Esq.  
m.selinka@br-tmlaw.com

  
Jolie Apicella

WRITER'S DIRECT DIAL NO.  
(212) 849-7188

WRITER'S INTERNET ADDRESS  
claudiabogdanos@quinnemanuel.com

July 29, 2010

Moira J. Selinka  
Baker and Rannells, PA  
575 Route 28, Suite 102  
Raritan, NJ 08869

Re: Borghese Trademarks, Inc. v. Multi Media Exposure, Inc.

Dear Ms. Selinka:

Enclosed please find Multi Media Exposure, Inc.'s ("MME") Amended Responses to those of Borghese Trademark Inc.'s ("BTI") discovery requests that were outstanding as of the Board's summary-judgment rulings. The auto-numbering feature embedded in the documents that were served on July 16<sup>th</sup> resulted in the misnumbering of certain of Applicant's responses, because previously answered requests were "skipped." We apologize for this clerical error. For the sake of clarity, we have revised the numbering; the substantive content is unchanged, and Mr. Borghese's verification of July 16, 2010 thus applies to the renumbered/amended interrogatory responses.

We note that MME served you with its Response to Request for Admission No. 9 on January 11, 2010; thus, BTI's statement that MME did not respond to this request is erroneous.

We are not aware of an agreement among the parties to exchange responsive documents by mail; we are aware only of the language employed by BTI in its own responses to MME's document requests. Mr. Kaufman, MME's former counsel, has not been available for a conference on this point. We also do not see in our files Bates-stamped documents from BTI responsive to MME's Document Request No. 1. However, given the pending civil litigation and MME's Motion to Suspend the TTAB proceeding pending the outcome of the civil action, details regarding the document-exchange process are at this point unnecessary.

**quinn emanuel urquhart & sullivan, llp**

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In the event that the TTAB matter moves forward, MME agrees to mutual document production by mail and will send responsive documents upon confirmation of BTI's position as to mailing and upon receipt of documents responsive to MME's Document Request No. 1.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Claudia T. Bogdanos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Claudia T. Bogdanos

Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

|  |   |
|--|---|
| <p>-----X<br/>Borghese Trademarks, Inc.<br/><br/>Opposer,<br/><br/>v.<br/><br/>Multi Media Exposure, Inc.<br/><br/>Applicant.<br/>-----X</p> | <p><b>Opposition No.: 91189629</b><br/><br/>Mark: PRINCE LORENZO<br/>BORGHESE'S LA DOLCE VITA<br/><br/>Appl. Serial No.: 77/435,171</p> |
|--|---|

**APPLICANT'S AMENDED RESPONSES TO  
REQUEST NOS. 1-3, 6-8, 12-13 OF OPPOSER'S FIRST  
SET OF INTERROGATORIES TO APPLICANT**

Pursuant to 37 C.F.R. § 2.120 and Rule 36 of the Federal Rules of Civil Procedure, Applicant Multi Media Exposure, Inc. ("Applicant") hereby responds to Borghese Trademarks, Inc.'s ("Opposer") First Set of Interrogatories to Applicant, dated August 27, 2009, as follows:

**GENERAL RESPONSES**

The General Responses raised in Applicant's Responses to Limited Discovery Requests of Opposer Borghese Trademarks, Inc., dated January 8, 2010 are incorporated by reference in Applicant's response to each and every Interrogatory below:

**RESPONSES**

**INTERROGATORY NO. 1:**

Identify each of the officers, directors, principals and managing agents of Applicant.

**RESPONSE TO INTERROGATORY NO. 1:**

Applicant objects to this Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this action or is not reasonably calculated to lead to the discovery of admissible evidence and to the extent it is overly broad . Subject to and without waiving the foregoing objections and the General Responses, Applicant responds as follows:

Scipione Borghese, President and Director; Lorenzo Borghese, Executive Vice President and Director.

**INTERROGATORY NO. 2:**

Identify each person who was responsible for or who participated in the adoption of Applicant's mark.

**RESPONSE TO INTERROGATORY NO. 2:**

Applicant objects to this Interrogatory to the extent that it requires information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Subject to and without waiving the foregoing objections and the General Responses, Applicant responds as follows:

Lorenzo Borghese.

**INTERROGATORY NO. 3:**

Identify the person(s) with the most knowledge concerning the creation, selection, adoption, and use (actual and/or planned) of Applicant's Mark in the United States.

**RESPONSE TO INTERROGATORY NO. 3:**

Subject to and without waiving the General Responses, Applicant responds as follows:

The person "with the most knowledge concerning the creation, selection, adoption, and use . . . of Applicant's Mark in the United States" is Lorenzo Borghese.

**INTERROGATORY NO. 6:**

Identify all labels and packaging ever used and/or which are intended to be used in the United States by or on behalf of Applicant bearing Applicant's Mark.

**RESPONSE TO INTERROGATORY NO. 6:**

Subject to and without waiving the General Responses, Applicant responds as follows:

Applicant refers Opposer to documents responsive to Opposer's document requests.

**INTERROGATORY NO. 7:**

Identify all expert witnesses whose views or opinions have been sought by or on behalf of Applicant, whether or not such expert is expected to testify during Applicant's testimony period, concerning any aspect of this proceeding, and state the area of expertise of such witness.

**RESPONSE TO INTERROGATORY NO. 7:**

Applicant objects to this request on the ground that it is vague and ambiguous and seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

**INTERROGATORY NO. 8:**

Identify any surveys or studies ever conducted by or for Applicant concerning confusion or likelihood of confusion between Applicant, Applicant's Mark, or Applicant's Goods on the one hand, and Opposer, any of Opposer's Goods, or Opposer's Marks on the other hand.

**RESPONSE TO INTERROGATORY NO. 8:**

Applicant objects to this request to the extent that it is vague and ambiguous and to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Subject to and without waiving the foregoing objections and the General Responses, Applicant responds as follows:

Applicant has not conducted, nor had conducted on its behalf, any surveys or studies responsive to this Interrogatory.

**INTERROGATORY NO. 12:**

If Applicant's response(s) to any of Opposer's First Set of Requests for Admission was other than an unqualified admission, set forth in detail the basis for Applicant's denial and all facts and circumstances supporting such denial.

**RESPONSE TO INTERROGATORY NO. 12:**

Applicant objects to this Interrogatory to the extent that it is vague and ambiguous and constitutes improper subject matter for an interrogatory.

**INTERROGATORY NO. 13:**

Identify the person(s) who provided information for each answer to respond to these Interrogatories served by Opposer on Applicant.

**RESPONSE TO INTERROGATORY NO. 13:**

Applicant objects to this Interrogatory to the extent that it is vague and ambiguous; to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities; and to the extent it seeks information that is not relevant to the subject matter of this action or is not reasonably

calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections and the General Responses, Applicant responds as follows:

Lorenzo Borghese; Scipione Borghese.

Dated: New York, New York  
July 29, 2010

QUINN EMANUEL URQUHART  
& SULLIVAN, LLP

By: 

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*Attorneys for Applicant Multimedia Exposure, Inc.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X  
Borghese Trademarks, Inc.

Opposition No.: 91189629

Opposer,

Mark: PRINCE LORENZO  
BORGHESE'S LA DOLCE VITA

v.

Multi Media Exposure, Inc.

Appl. Serial No.: 77/435,171

Applicant.

-----X

**APPLICANT'S AMENDED RESPONSES TO  
REQUEST NOS. 1, 4-7, AND 10-12 OF OPPOSER'S FIRST SET  
OF REQUESTS FOR THE PRODUCTION  
OF DOCUMENTS AND THINGS TO APPLICANT**

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Applicant Multi Media Exposure, Inc. ("Applicant") hereby responds to Borghese Trademarks, Inc.'s ("Opposer") First Set of Requests for the Production of Documents and Things to Applicant, dated August 27, 2009, as follows:

**GENERAL RESPONSES**

The general objections raised in Applicant's Responses to Limited Discovery Requests of Opposer Borghese Trademarks, Inc., dated January 8, 2010 are incorporated by reference in Applicant's response to each and every Request below:

## **SPECIFIC RESPONSES**

### **DOCUMENT REQUEST NO. 1:**

Produce all documents and things which were identified, required to be identified, and/or were used to answer the above Opposer's First Set of Interrogatories to Applicant.

### **RESPONSE TO DOCUMENT REQUEST NO. 1:**

Applicant objects to this request to the extent that it is vague and ambiguous and to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Subject to and without waiving the foregoing objections and the General Responses, responsive documents will be provided at a mutually convenient time and place.

### **DOCUMENT REQUEST NO. 4:**

Produce a specimen of (or photocopy or photograph of) each logo, label, packaging or other printed material bearing Applicant's Mark which are used, or are planned to be used, in the United States by or on behalf of Applicant on or in relation to Applicant's Goods.

### **RESPONSE TO DOCUMENT REQUEST NO. 4:**

Applicant objects to this request on the ground that it is vague and ambiguous. Subject to and without waiving the foregoing objections and the General Responses, responsive documents will be provided at a mutually convenient time and place.

**DOCUMENT REQUEST NO. 5:**

Produce all documents concerning any surveys or studies ever conducted by or for Applicant concerning confusion or likelihood of confusion between Applicant, Applicant's Mark, or Applicant's Goods on the one hand, and Opposer, any of Opposer's Goods, or Opposer's Mark on the other hand.

**RESPONSE TO DOCUMENT REQUEST NO. 5:**

Applicant objects to this Request on the ground that it is overly broad and unduly burdensome; to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities; and to the extent it seeks proprietary, sensitive, or confidential commercial information. Subject to and without waiving the foregoing objections and the General Responses Applicant does not possess any relevant, non-privileged documents responsive to this Request.

**DOCUMENT REQUEST NO. 6:**

Produce all trademark or trade name searches, search reports, and/or clearances conducted by or on behalf of Applicant concerning registration or use or intended use of Applicant's Mark in the United States.

**RESPONSE TO DOCUMENT REQUEST NO. 6:**

Applicant objects to this Request to the extent that it is overly broad and unduly burdensome; to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities; and to the extent it seeks proprietary, sensitive, or confidential commercial information. Subject to and without waiving the foregoing objections and the General Responses, responsive documents, if any, will be provided at a mutually convenient time and place.

**DOCUMENT REQUEST NO. 7:**

For each expert whose opinion may be relied upon in this proceeding, produce each document which concerns: (i) any opinions that may be presented at trial; (ii) the reasons for any such opinions; (iii) any data or information considered by the witness in forming the opinions; (iv) any exhibits used in support of or summarizing the opinions; (v) the compensation being paid to the witness, and (vi) any cases which the witness has testified at trial or by deposition.

**RESPONSE TO DOCUMENT REQUEST NO. 7:**

Applicant objects to this request to the extent it is vague and ambiguous; to the extent that it is overly broad and unduly burdensome; and to the extent it requires the production of documents protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities. Subject to and without waiving the foregoing objections and the General Responses, Applicant has not, at this early stage of this proceeding, made any determinations as to documents responsive to this Request.

**DOCUMENT REQUEST NO. 10:**

Produce all documents that concern Opposer that were reviewed or discussed by Applicant prior to filing the application in issue in this proceeding.

**RESPONSE TO DOCUMENT REQUEST NO. 10:**

Applicant objects to this Request to the extent that it seeks documents that are not relevant to the subject matter of this action or are not reasonably calculated to lead to the discovery of admissible evidence; to the extent it is overly broad and unduly burdensome; and to the extent it requires the production of documents protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges or immunities.

**DOCUMENT REQUEST NO. 11:**

Produce all Documents concerning all communications between Applicant, on the one hand, and any and all of Applicant's manufacturers, suppliers, wholesalers, distributors and/or licensees, on the other hand, concerning Applicant's Goods intended to be offered for sale bearing Applicant's Mark in the United States, including but not limited to documents concerning Applicant's purchase of products or materials used in manufacturing, labeling, packaging or distributing such goods.

**RESPONSE TO DOCUMENT REQUEST NO. 11:**

Applicant objects to this Request to the extent that it seeks documents that are not relevant to the subject matter of this action or are not reasonably calculated to lead to the discovery of admissible evidence; to the extent that it is overly broad and unduly burdensome; and to the extent it seeks proprietary, sensitive, or confidential commercial information. Subject to and without waiving the foregoing objections and the General Responses, Applicant refers Opposer to the PetSmart Master Vendor Agreement previously produced; subject to and without waiving the foregoing objections and the General Responses, additional responsive documents, if any, will be provided at a mutually convenient time and place.

**DOCUMENT REQUEST NO. 12:**

Produce all Documents concerning all communications between Applicant, on the one hand, and any individual or entity, on the other hand, concerning Opposer's Goods, Opposer's Marks, and/or Applicant's Mark.

**RESPONSE TO DOCUMENT REQUEST NO. 12:**

Applicant objects to this Request to the extent that it seeks documents that are not relevant to the subject matter of this action or are not reasonably calculated to lead to the discovery of admissible evidence; to the extent that it is overly broad and unduly burdensome; and to the extent it seeks proprietary, sensitive, or confidential commercial information. Subject to and without waiving the foregoing objections and the General Responses, responsive documents, if any, will be provided at a mutually convenient time and place

Dated: New York, New York  
July 29, 2010

QUINN EMANUEL URQUHART  
& SULLIVAN, LLP

By: Charles T. Raskopf

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*Attorneys for Applicant Multimedia Exposure, Inc.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X  
Borghese Trademarks, Inc.

**Opposition No.: 91189629**

Opposer,

Mark: PRINCE LORENZO  
BORGHESE'S LA DOLCE VITA

v.

Multi Media Exposure, Inc.

Appl. Serial No.: 77/435,171

Applicant.

-----X

**APPLICANT'S AMENDED RESPONSES TO  
REQUEST NOS. 1-8 AND 11-17 OF OPPOSER'S FIRST  
SET OF REQUESTS FOR ADMISSION TO APPLICANT**

Pursuant to 37 C.F.R. § 2.120 and Rule 36 of the Federal Rules of Civil Procedure, Applicant Multi Media Exposure, Inc. ("Applicant") hereby responds to Borghese Trademarks, Inc.'s ("Opposer") First Set of Requests for Admission to Applicant, dated August 27, 2009, as follows:

**GENERAL RESPONSES**

The general objections raised in Applicant's Responses to Limited Discovery Requests of Opposer Borghese Trademarks, Inc., dated January 8, 2010 are incorporated by reference in Applicant's response to each and every request for admission below:

**SPECIFIC RESPONSES**

**REQUEST FOR ADMISSION NO. 1:**

Admit that Applicant was aware of Opposer at the time Applicant filed its trademark application for Applicant's Mark.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

Applicant objects to this Request to the extent that the term “was aware” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that, at the time of the filing of the application that is the subject of this proceeding (the “Application”), its principals knew of the existence of a company called Borghese Trademarks, Inc.

**REQUEST FOR ADMISSION NO. 2:**

Admit that Applicant was aware of Opposer’s Marks at the time Applicant filed its trademark application for Applicant’s Mark.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Applicant objects to this Request to the extent that the term “was aware” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that, at the time of the filing of the Application, its principals knew of the existence of trademarks for human cosmetic and beauty products incorporating the BORGHESE brand name.

**REQUEST FOR ADMISSION NO. 3:**

Admit that Applicant was aware of Opposer’s Goods at the time Applicant filed its trademark application for Applicant’s Mark.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Applicant objects to this Request to the extent that the term “was aware of” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing

objection and the General Responses, Applicant states that, at the time of the filing of the Application, its principals knew of the existence of human cosmetic and beauty products under the BORGHESE brand name.

**REQUEST FOR ADMISSION NO. 4:**

Admit that Applicant was aware of Opposer's Marks before selecting Applicant's Mark.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Applicant objects to this Request to the extent that the terms "was aware" and "before" are vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that, at least at the time of the selection of Applicant's Mark, its principals knew that the BORGHESE brand name was being used in connection with human cosmetic and beauty products.

**REQUEST FOR ADMISSION NO. 5:**

Admit that goods sold under Opposer's Marks were available at retail stores at the time Applicant filed its trademark application for Applicant's Mark.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

Applicant objects to this Request to the extent that the terms "sold under" and "were available" are vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that, at the time of the filing of the Application, its principals knew that human cosmetic and beauty products bearing the BORGHESE brand name were being offered for retail sale.

**REQUEST FOR ADMISSION NO. 6:**

Admit that consumers are likely to believe that the goods sold under Opposer's Marks and the goods sold under Applicant's Mark are from the same source.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

Applicant objects to this Request to the extent that the terms "likely," "to believe," and "sold under" are vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant denies this Request.

**REQUEST FOR ADMISSION NO. 7:**

Admit that Applicant's Mark and Opposer's PRINCESS MARCELLA BORGHESE mark both contain the name "BORGHESE."

**RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

Applicant objects to this Request to the extent that the term "Opposer's PRINCESS MARCELLA BORGHESE mark" is vague, ambiguous and undefined and/or misdefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that the term "Princess Marcella Borghese" contains the word "Borghese" in addition to two other words and that Applicant's Mark contains the word "Borghese's" in addition to five other words.

**REQUEST FOR ADMISSION NO. 8:**

Admit that Applicant's Mark and Opposer's PRINCESS MARCELLA BORGHESE mark both contain a title of nobility.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

Applicant objects to this Request to the extent that the term “Opposer’s PRINCESS MARCELLA BORGHESE mark” is vague, ambiguous and undefined and/or misdefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that the term “Princess Marcella Borghese” contains the word “Princess” in addition to two other words and that Applicant’s Mark contains the word “Prince” in addition to five other words.

**REQUEST FOR ADMISSION NO. 11:**

Admit that human grooming products, namely, shampoo, can be used on pets.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

Applicant objects to this Request to the extent that it seeks a response to a hypothetical question and to the extent that the term “can” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that a person who wishes to use a product in a manner for which that product was not intended and/or designed to be used may do so notwithstanding that harm and/or otherwise undesirable consequences may result.

**REQUEST FOR ADMISSION NO. 12:**

Admit that human grooming products, namely, hair conditioner, can be used on pets.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

Applicant objects to this Request to the extent that it seeks a response to a hypothetical question and to the extent that the term “can” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that a person who wishes to use a product in a manner for which that product was not intended and/or designed to be used may do so notwithstanding that harm and/or otherwise undesirable consequences may result.

**REQUEST FOR ADMISSION NO. 13:**

Admit that human grooming products, namely, fragrance, can be used on pets.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

Applicant objects to this Request to the extent that it seeks a response to a hypothetical question and to the extent that the term “can” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that a person who wishes to use a product in a manner for which that product was not intended and/or designed to be used may do so notwithstanding that harm and/or otherwise undesirable consequences may result.

**REQUEST FOR ADMISSION NO. 14:**

Admit that human grooming products, namely, soap can be used on pets.

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

Applicant objects to this Request to the extent that it seeks a response to a hypothetical question and to the extent that the term “can” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that a person who wishes to use a product in a manner for which that product was not intended and/or designed to be used may do so notwithstanding that harm and/or otherwise undesirable consequences may result.

**REQUEST FOR ADMISSION NO. 15:**

Admit that the person named and pictured on the webpage located at [www.getroyaltreatment.com/about.htm](http://www.getroyaltreatment.com/about.htm), attached hereto at Exhibit A, is the same Prince Lorenzo Borghese who is the Executive Vice President of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

Subject to and without waiving the General Responses, Applicant states that, the webpage attached as Exhibit A to Opposer’s First Set of Requests for Admission to Applicant has been changed. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that the “Lorenzo Borghese” named and pictured on the webpage attached as Exhibit A to Opposer’s First Set of Requests for Admission to Applicant is Prince Lorenzo Borghese, Executive Vice President of Applicant.

**REQUEST FOR ADMISSION NO. 16:**

Admit that all statements made on the “About” page found at the following web address [www.getroyaltreatment.com/about.htm](http://www.getroyaltreatment.com/about.htm), attached hereto at Exhibit A, are true.

**RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

Subject to and without waiving the General Responses, Applicant states that, the webpage attached as Exhibit A to Opposer's First Set of Requests for Admission to Applicant has been changed. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that, to the best of Applicant's knowledge, "all statements made on the 'About' page" attached as Exhibit A to Opposer's First Set of Requests for Admission to Applicant are true.

**REQUEST FOR ADMISSION NO. 17:**

Admit that Applicant's Goods could be used on humans.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

Applicant objects to this Request to the extent that it seeks a response to a hypothetical question and to the extent that the term “can” is vague, ambiguous and undefined, and overly broad. Subject to and without waiving the foregoing objection and the General Responses, Applicant states that a person who wishes to use a product in a manner for which that product was not intended and/or designed to be used may do so notwithstanding that harm and/or otherwise undesirable consequences may result. .

Dated: New York, New York  
July 29, 2010

QUINN EMANUEL URQUHART  
& SULLIVAN, LLP

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*Attorneys for Applicant Multimedia Exposure, Inc.*

**CERTIFICATE OF SERVICE**

I, Claudia Bogdanos, certify that on July 29, 2010, a copy of

(1) APPLICANT'S AMENDED RESPONSES TO REQUEST NOS. 1-8 AND 11-17 OF OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT;

(2) APPLICANT'S AMENDED RESPONSES TO REQUEST NOS. 1-3, 6-8, 12-13 OF OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT; and

(2) APPLICANT'S AMENDED RESPONSES TO REQUEST NOS. 1, 4-7, AND 10-12 OF OPPOSER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT

in *Borghese Trademarks, Inc. v. MultiMedia Exposure, Inc.* was served on counsel by first-class mail to:

Stephen L. Baker  
Moir J. Selinka  
BAKER and RANNELLS, PA  
575 Route 28, Suite 102  
Raritan, N.J. 08869

  
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Claudia T. Bogdanos